

APA-1

TRANSMITTAL SHEET FOR  
NOTICE OF INTENDED ACTION

Control \_\_\_\_\_ Department or Agency \_\_\_\_\_ Secretary of State \_\_\_\_\_

Rule No. 820-1-1-.01

Rule Title: Organization

\_\_\_\_ New \_\_\_\_ ☒ Amend \_\_\_\_ Repeal \_\_\_\_ Adopt by Reference

Would the absence of the proposed rule significantly harm or endanger the public health, welfare, or safety? Yes

Is there a reasonable relationship between the state's police power and the protection of the public health, safety, or welfare? Yes

Is there another, less restrictive method of regulation available that could adequately protect the public? No

Does the proposed rule have the effect of directly or indirectly increasing the costs of any goods or services involved and, if so, to what degree? No

Is the increase in cost, if any, more harmful to the public than the harm that might result from the absence of the proposed rule? N/A

Are all facets of the rulemaking process designed solely for the purpose of, and so they have, as their primary effect, the protection of the public? Yes. This rule is required by the State Examiners of Public Accounts.

\*\*\*\*\*  
Does the proposed rule have an economic impact? No

If the proposed rule has an economic impact, the proposed rule is required to be accompanied by a fiscal note prepared in accordance with subsection (f) of Section 41-22-23, Code of Alabama 1975.

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Certification of Authorized Official

I certify that the attached proposed rule has been proposed in full compliance with the requirements of Chapter 22, Title 41, Code of Alabama 1975, and that it conforms to all applicable filing requirements of the Administrative Procedure Division of the Legislative Reference Service.

Signature of certifying officer \_\_\_\_\_

John H. Merrill  
John H. Merrill  
Secretary of State

Date April 13, 2016

(DATE FILED) (STAMP)  
**REC'D & FILED**

**APR 13 2016**

**LEGISLATIVE REF SERVICE**

APA-2

OFFICE OF THE SECRETARY OF STATE  
ADMINISTRATIVE DIVISION

NOTICE OF INTENDED ACTION

AGENCY NAME: Office of the Secretary of State

RULE NO. & TITLE: 820-1-1-.01 Organization

INTENDED ACTION: Amend existing rule.

SUBSTANCE OF PROPOSED ACTION: This proposed amendment provides that the Secretary of State may charge a bad check fee for negotiable instruments that are dishonored.

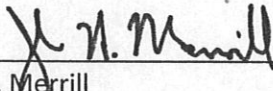
TIME, PLACE, MANNER OF PRESENTING VIEWS:

Views may be presented in writing and should be addressed to Jean Brown, Office of the Secretary of State, P.O. Box 5616, Montgomery, AL 36103; (334)242-7202.

FINAL DATE FOR COMMENT AND COMPLETION OF NOTICE: June 2, 2016

CONTACT PERSON AT AGENCY:

Jean Brown, Office of the Secretary of State, State Capitol Suite E-201, 600 Dexter Avenue, Montgomery, AL 36130; (334)242-7202.

  
\_\_\_\_\_  
John H. Merrill  
Secretary of State

APA-2  
07/04



STATE OF ALABAMA  
OFFICE OF THE SECRETARY OF STATE  
ADMINISTRATION DIVISION  
ADMINISTRATIVE CODE

820-1-1-.01      Organization.

(1)      The Office of the Secretary of State is established by the Constitution of the State of Alabama (Art. V, §112, Ala. Constitution of 1901) and performs a wide variety of constitutional and statutory duties (Code of Ala. 1975, §§36-14-1 et seq.).

(2)      Requests for information may be submitted to the Office of the Secretary of State via several methods:

(a)      By mail: Office of the Secretary of State, P.O. Box 5616, Montgomery, Alabama 36103.

(b)      By hand delivery: Office of the Secretary of State, 600 Dexter Avenue, Suite S-105, Montgomery, Alabama 36130.

(c)      By telephone: (334) 242-7200.

(d)      By internet: <http://www.sos.alabama.gov>

(3)      Organization. The Secretary of State has the authority and latitude to organize the office in a manner the Secretary of State deems appropriate for accomplishing these duties. The following depicts the organization serving under the Secretary of State's direction:

(a)      The Secretary of State may appoint two assistants and two exempt employees as follows:

1.      A Confidential Assistant to the Secretary of State pursuant to Code of Ala. 1975, §36-26-10(c)(1).

2.      An Executive Assistant to the Secretary of State pursuant to Code of Ala. 1975, §36-14-16.

3.      Two additional exempt employees pursuant to Code of Ala. 1975, §36-26-10(b)(10).

(b)      Divisions operating under the direction of the

Secretary of State include the following:

1. Executive Division.
2. Business Services Division.
3. Government Support Division.
4. Authentications/Lands and Trademarks Division.
5. Elections Division.
6. Finance Division.
7. Information Systems Division.

(4) Bad Checks.

(a) If the Secretary of State's Office receives a check or negotiable instrument that is dishonored by the institution upon which it is drawn (hereinafter "bad check"), the Secretary of State's Office may charge a bad check fee as provided for in Code of Alabama 1975, section 8-8-15. The fee to be charged shall be the maximum allowed by law.

(b) If the Secretary of State's Office receives a bad check, the Office shall provide notice to the person making, drawing, uttering, or delivering the instrument in accordance with Code of Alabama 1975, section 13A-9-13.2.

**Authors:** Charles E. Grainger, Jr.; William Sutton; Jean Brown.

**Statutory Authority:** Code of Ala. 1975, §§41-22-4, 36-26-10, 36-14-16, 8-8-15, 13A-9-13.1, and 13A-9-13.2.

**History:** New Rule: Filed January 10, 2001; effective February 14, 2001. Amended: Filed July 20, 2015; Effective October 20, 2015. Amended: Filed April 13, 2016.